

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO
and KARL LEIBINGER, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware
Corporation, STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P., a Delaware
Partnership and STONINGTON HOLDINGS,
L.L.C., a Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING
CORP., SA),

Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER,
JKBAKER LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING

CORP., SA),

Defendants.

No.: 04-CV-10501 (PBS)

**PLAINTIFFS' JOINT MOTION TO COMPEL
DEPOSITIONS OF DEXIA BANK BELGIUM THROUGH
PIET CORDONNIER, BART FERRAND, AND PETER RABAEY**

Class plaintiffs, together with plaintiffs Stonington Partners, Inc., Stonington Capital Appreciation 1994 Fund L.P. and Stonington Holdings, L.L.C., Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust, and Janet Baker, James Baker, JKBaker LLC and JMBaker LLC (collectively the "Plaintiffs") hereby jointly move, pursuant to Rule 37 of the Federal Rules of Civil Procedure and Massachusetts Local Rule 37.1 for an order compelling defendant Dexia Bank Belgium to produce Piet Cordonnier, Bart Ferrand, and Peter Rabaey for deposition by Plaintiffs in the above-captioned actions.

In support of this motion, Plaintiffs will submit a memorandum of law and a supporting declaration of Susan M. Davies, including exhibits thereto, upon the entry by the Court of orders authorizing the filing of same under seal in accordance with the terms of the Order Governing the Treatment of Confidential Information entered in the above captioned actions on May 31, 2005. A motion for leave to file these supporting papers under seal will be filed contemporaneously herewith. Copies of these supporting papers will be served on defendant Dexia Bank Belgium contemporaneously with the filing of this motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an order:

- (1) relieving Plaintiffs of the obligation under Local Rule 7.1(b)(1) to file the memorandum of law and declaration in support of the instant motion simultaneously herewith;
- (2) compelling defendant Dexia Bank Belgium to produce Piet Cordonnier, Bart Ferrand, and Peter Rabaey for deposition by Plaintiffs in the above-captioned actions, and
- (3) for such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs respectfully request the Court to hear oral argument on this motion to compel.

**CERTIFICATION UNDER FED. R. CIV. P. 37(A)(2)(B)
AND LOCAL RULES 7.1(A)(2) AND 37.1(B)**

Pursuant to Fed. R. Civ. P. 37(a)(2)(b) and Local Rules 7.1(a)(2) and 37.1(b), undersigned counsel hereby certify that on October 14, 2005 Susan M. Davies, Esq., of the Gregory P. Joseph Law Offices LLC, on behalf of Plaintiffs, conferred by telephone with James B. Weidner, Esq. of Clifford Chance US LLP, counsel for Dexia Bank Belgium, in a good faith, but unsuccessful, attempt to secure the deposition attendance of Messrs. Cordonnier, Ferrand, and Rabaey without the intervention of this Court.

Dated: November 4, 2005

Respectfully submitted,

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